

BARRY E. HINKLE, Bar No. 071223
 PATRICIA A. DAVIS, Bar No. 179074
 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
 KRISTINA M. ZINNEN, Bar No. 245346
 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 Alameda, California 94501-1091
 Telephone 510.337.1001
 Fax 510.337.1023

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their) No. C 10-01492 EDL
 capacities as Trustees of the CEMENT) (Consolidated Cases)
 MASONS HEALTH AND WELFARE TRUST)
 FUND FOR NORTHERN CALIFORNIA,)
 CEMENT MASONS PENSION TRUST FUND)
 FOR NORTHERN CALIFORNIA, CEMENT)
 MASONS VACATION/HOLIDAY TRUST)
 FUND FOR NORTHERN CALIFORNIA,)
 CEMENT MASONS APPRENTICESHIP AND)
 TRAINING TRUST FUND FOR NORTHERN)
 CALIFORNIA,)

Plaintiffs,

v.

PAUL T. BECK CONTRACTORS, INC., A)
 California Corporation; JAMES RAY BECK,)
 individually and doing business as J R B)
 GRADING & PAVING, as successor in interest)
 to PAUL T. BECK CONTRACTORS, INC.;)
 and J R B GRADING & PAVING, as successor)
 in interest to PAUL T. BECK)
 CONTRACTORS, INC.,)

Defendants.

**STIPULATED REQUEST TO MODIFY
 THE PRETRIAL ORDER;
~~PROPOSED~~ ORDER**

THE BOARD OF TRUSTEES, in their) No. C 10-01493 EDL
 capacities as Trustees of the LABORERS)
 HEALTH AND WELFARE TRUST FUND)
 FOR NORTHERN CALIFORNIA;)
 LABORERS VACATION-HOLIDAY TRUST)
 FUND FOR NORTHERN CALIFORNIA;)
 LABORERS PENSION TRUST FUND FOR)
 NORTHERN CALIFORNIA; and LABORERS)

1 TRAINING AND RETRAINING TRUST)
 2 FUND FOR NORTHERN CALIFORNIA,)

3 Plaintiffs,)

4 v.)

5 PAUL T. BECK CONTRACTORS, INC., A)
 6 California Corporation; JAMES RAY BECK,)
 7 individually and doing business as J R B)
 8 GRADING & PAVING, as successor in interest)
 9 to PAUL T. BECK CONTRACTORS, INC.;)
 10 and J R B GRADING & PAVING, as successor)
 11 in interest to PAUL T. BECK)
 12 CONTRACTORS, INC.,)

13 Defendants.)

14 THE BOARD OF TRUSTEES, in their)
 15 capacities as Trustees of the CEMENT)
 16 MASONS HEALTH AND WELFARE TRUST)
 17 FUND FOR NORTHERN CALIFORNIA;)
 18 CEMENT MASONS PENSION TRUST FUND)
 19 FOR NORTHERN CALIFORNIA; CEMENT)
 20 MASONS VACATION/HOLIDAY TRUST)
 21 FUND FOR NORTHERN CALIFORNIA; and)
 22 CEMENT MASONS APPRENTICESHIP AND)
 23 TRAINING TRUST FUND FOR NORTHERN)
 24 CALIFORNIA,)

25 Plaintiffs,)

26 v.)

27 JAMES RAY BECK, individually and doing)
 28 business as J R B GRADING & PAVING; and J)
 R B GRADING & PAVING,)

Defendants.)

No. C 10-05539 EDL

22 THE BOARD OF TRUSTEES, in their)
 23 capacities as Trustees of the LABORERS)
 24 HEALTH AND WELFARE TRUST FUND)
 25 FOR NORTHERN CALIFORNIA;)
 26 LABORERS VACATION-HOLIDAY TRUST)
 27 FUND FOR NORTHERN CALIFORNIA;)
 28 LABORERS PENSION TRUST FUND FOR)
 NORTHERN CALIFORNIA; and LABORERS)
 TRAINING AND RETRAINING TRUST)
 FUND FOR NORTHERN CALIFORNIA,)

Plaintiffs,)

No. C10-05540 EDL

V.

JAMES RAY BECK, individually and doing
business as J R B GRADING & PAVING; and
J R B GRADING & PAVING,

Defendants.

Pursuant to Local Rule 7-12, Plaintiffs, the Board of Trustees, in their capacities as Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, Cement Masons Pension Trust Fund for Northern California, Cement Masons Vacation-Holiday Trust Fund for Northern California, and Cement Masons Apprenticeship and Training Trust Fund for Northern California and Plaintiffs (referred to as “Cement Masons’ Trust Funds”); and the Board of Trustees, in their capacities as Trustees of the Laborers Health and Welfare Trust Fund for Northern California, Laborers Vacation-Holiday Trust Fund for Northern California, Laborers Pension Trust Fund for Northern California, and Laborers Training and Retraining Trust Fund for Northern California (referred to as “Laborers’ Trust Funds”) (the Laborers’ Trust Funds and the Cement Masons’ Trust Funds will be referred to collectively herein as “Plaintiffs”) and Defendant Paul T. Beck Contractors, Inc. A California Corporation (hereinafter “Defendant”), by and through the undersigned counsel, hereby stipulate and request that the Court issue an Order to modify Pretrial Order for Court Trial (Document No. 55 in Case No. 10-1492) (hereinafter “Pretrial Order”) for cases 10-01492, 10-01493, 10-05539, and 10-05540 by adding an additional 90 days to all of the deadlines/dates therein, including the trial date, pursuant to F.R.C.P. 16(b)(4).

In accordance with F.R.C.P. 16(b), the Court may modify or amend a scheduling order upon a showing of “good cause”. As the Ninth Circuit has stated, this “good cause” standard “primarily considers the diligence of the party seeking the amendment.” The district court may modify the pretrial schedule if the schedule cannot reasonably be met despite the diligence of the party seeking the extension. F.R.C.P. 16(b); *Claudine Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992); *Jackson v. Laureate, Inc.*, 186 F.R.D. 605 (E.D. CA 1999).

In this case, both parties seek the amendment of the Pretrial Order. Under the current Pretrial Order, the discovery cut-off in these actions is November 28, 2011, the deadline to

complete mediation is January 26, 2012, and the deadline for a hearing on any dispositive motions is January 30, 2012.

On December 9, 2011, James Ray Beck filed a Petition for Chapter 7 Bankruptcy in the Northern District. As a result, Plaintiffs will be filing a Notice of Bankruptcy in the consolidated cases involving the following parties: Defendant James Ray Beck, individually and doing business as J R B Grading & Paving; Defendant J R B Grading & Paving; Defendant James Ray Beck, individually and doing business as J R B Grading & Paving, as successor in interest to Paul T. Beck Contractors, Inc.; and Defendant J R B Grading & Paving, as successor in interest to Paul T. Beck Contractors, Inc.

In addition, the remaining Defendant in this case, Paul T. Beck Contractors, Inc., is in the process of assessing whether it will also be filing a Petition for Bankruptcy. Plaintiffs and Defendant have completed most of the discovery in these cases and have been negotiating the possibility of settling this matter through a Stipulated Judgment, but the parties require additional time to complete this process to determine whether they can settle this case, dispose of the case through the filing of dispositive motions or for the remaining Defendant to determine whether it will file for Bankruptcy protection. Therefore, under the circumstances of this case, an extension of the discovery period and corresponding trial deadlines is warranted.

Because this Stipulated Request to Modify the Pretrial Order is supported by good cause, the parties hereby respectfully request that the Court modify the Pretrial Order by adding an additional 90 days to all of the deadlines/dates therein, as follows:

February 27, 2012	Discovery cut-off
February 27, 2012	Expert discovery cut-off
April 25, 2012	Last day to complete mediation pursuant to Court Order.
May 1, 2012	Last day to hear dispositive motions
April 30, 2012	
July 5, 2012	Last day to meet and confer prior to the pretrial conference
July 16, 2012	Last day to file joint pretrial statement including pretrial disclosures; serve and file trial briefs and motions in limine; serve and file an exhibit list and exchange exhibits

July 24, 2012

Last day to file objections to exhibits and witnesses or oppositions to motions in limine

August 7, 2012

~~August 6, 2012~~

Pretrial conference and hearing on motions in limine

September 4, 2012

~~August 27, 2012~~

Court trial

Additionally, the parties hereby stipulate that if and only if the Court declines to grant the Stipulated Request to Modify the Pretrial Order, each party will not oppose the other party's right to take said party's deposition after the close of discovery.

Dated: December 21, 2011

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ Kristina M. Zinnen
KRISTINA M. ZINNEN
Attorneys for Plaintiffs

Dated: December 21, 2011

BOHNEN, ROSENTHAL & KREEFT

By: /s/ Sergio H. Parra
SERGIO H. PARRA
Attorneys for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the Parties, IT IS SO ORDERED., AS MODIFIED.

Dated: December 22, 2011

HONORABLE ELIZABETH D. LAPORTE

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